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Attorneys for Plaintiff Jennifer Richards

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

JENNIFER RICHARDS, individually and
on behalf of all others similarly situated,

Plaintiffs,

vs.

TRANSDEV BUS ON DEMAND, LLC.,
and DOES 1 through 100,

Defendant.

Case No. 3:20-cv-06425-VC

**JOINT STIPULATION TO DISMISS
CLASS ACTION PURSUANT TO
FEDERAL RULES OF CIVIL
PROCEDURE 41(a);
DECLARATION OF MATTHEW
RIGHETTI; AND ~~PROPOSED~~
ORDER**

State Action Filed: March 2, 2020
Removal Date: September 11, 2020
Trial Date: None

TO THE HONORABLE COURT:

PLEASE TAKE NOTICE that plaintiff Jennifer Richards (“Plaintiff”) and defendants Transdev Bus On Demand, LLC, Transdev Services, Inc., and Transdev North America, Inc. (“Defendants”) (collectively referred to herein as “the Parties”) hereby jointly stipulate as follows:

WHEREAS on March 2, 2020, Plaintiff filed a class action and PAGA representative action complaint (“Action”);

WHEREAS on October 20, 2020, this Action was related to the Hakeem v. Transdev et. al. case, Case No., 19-cv-02161-VC, a class action that is still pending in this Court and was certified by this Court on September 1, 2020; which concerns substantially the same parties, bus drivers/operators, and transactions including the alleged failure to pay wages, provide accurate wage statements and waiting time penalties;

WHEREAS since a class has been certified in Hakeem, the Parties have agreed to settle Plaintiff’s individual claims without prejudice to the claims or rights of those in the Hakeem case or those Plaintiff sought to represent in this Action;

WHEREAS since this matter is in its early stages, no class notice was sent to the unnamed class members regarding this Action, and their rights are not affected by the settlement of Plaintiff’s individual claims;

WHEREAS dismissal of this Action will not prejudice the unnamed class members/aggrieved employees whose claims will be dismissed without prejudice;

WHEREAS for the reasons stated above the Parties believe that the unnamed class members/aggrieved employees do not need to be notified of the dismissal;

WHEREAS on January 15, 2021, the Parties settled all of Plaintiff’s individual claims in the Action and Plaintiff executed a general release of all claims arising out of her employment with Defendants;

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1 WHEREAS the settlement agreement allocates the following to Plaintiff's
2 individual PAGA claim: \$500.00 (\$666.67 x 0.75) to the Labor and Workforce
3 Development Agency ("LWDA") which is 75% of her total individual PAGA claims
4 of \$666.67;

5 WHEREAS the Parties stipulate to dismiss Plaintiff's individual claims with
6 prejudice, and the putative or unnamed class members/aggrieved employees claims
7 without prejudice.

8 IT IS SO STIPULATED.

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10
11 Dated: February 2, 2021

GLEASON & FAVAROTE, LLP
TOREY JOSEPH FAVAROTE
JING TONG

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13 By: /s/ Jing Tong¹
Jing Tong

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15 Attorneys for Defendants
16 TRANSDEV BUS ON DEMAND,
17 LLC, TRANSDEV SERVICES, INC.,
and TRANSDEV NORTH
AMERICA, INC.

18 Dated: February 2, 2021

RIGHETTI GLUGOSKI, P.C.
MATTHEW RIGHETTI

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20 By: /s/ Matthew Righetti
Matthew Righetti

21 Attorneys for Plaintiff JENNIFER
22 RICHARDS

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27 ¹ All other signatories listed, and on whose behalf the filing is submitted,
28 concur in the filing's content and have authorized the filing.

DECLARATION OF MATTHEW RIGHETTI

I, **Matthew Righetti**, declare:

1. I am an attorney duly licensed to practice law in the State of California and I represent the Plaintiff herein. I have personal knowledge of the matters set forth herein, and would and could testify thereto if called as a witness.

PROCEDURAL HISTORY

2. On March 11, 2015, Plaintiff filed this action on behalf of herself and a class of all other similarly situated employees of Defendant claiming that the non-exempt bus drivers were no longer covered under a CBA, but were still working 4/10 schedules without being paid daily overtime. Plaintiff also alleged that the violations of the statutory provisions enumerated in the Complaint constituted unfair business practices in violation of Bus. and Prof Code section 17200 et. seq.

4 No notice has been sent to the putative class. Although this case was filed as a putative class action, Plaintiff never moved the court for class certification. Plaintiff conducted discovery and an investigation pertaining to class certification, the merits and Plaintiff's suitability to serve as class representative. Plaintiff's counsel has concluded based on this discovery that Defendant may have a viable exemption defense under the Wage Order 9, Section 3(L) and that the claims may not be appropriate for class-wide adjudication.

5. Rather than continuing to litigate the class claims with these obstacles, Plaintiff's counsel has proceeded to litigate and resolve this matter as an individual action on behalf of the named Plaintiff. The parties have reached agreement on Plaintiff's individual claims as explained in the Joint Stipulation to Dismiss.

6. The prongs of numerosity and commonality/predominance appear to be the areas that would be the most challenging in a motion for certification since, according to Defendant,

1 only a small number of its California bus driver workforce worked outside of a CBA (i.e.,
2 Sonoma County only). No class has been certified in this case and we have not pursued a
3 class certification motion to date.

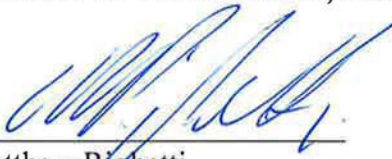
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5 8. Accordingly, Plaintiff requests that the class allegations be removed from the action
6 without prejudice. The request would not operate to release any of the claims alleged in
7 Plaintiff's operative complaint for any absent class member employees. If any putative class
8 members wish to pursue claims against Defendants, including LWDA claims, then they would
9 be free to do so. Plaintiff and Defendant have reached a settlement as to Plaintiff's individual
10 claim to resolve her overtime claims at issue in this case; however, neither Plaintiff nor her
11 counsel have been offered, or promised, or agreed to accept, or been paid any consideration of
12 any nature in connection with dismissing class putative class claims.
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14 I declare under penalty of perjury under the laws of the State of California that the
15 forgoing is true and correct. Executed this 2nd day of February 2021, at San Francisco,
16 California.
17

18 Dated: February 2, 2021

Respectfully submitted,

19 **RIGHETTI • GLUGOSKI, P.C.**

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22 Matthew Righetti
23 Attorney for Plaintiffs
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~~PROPOSED~~ ORDER

Based upon the Stipulation of the Parties, IT IS SO ORDERED that in RICHARDS v. TRANSDEV BUS ON DEMAND, LLC et. al., case no. 3:20-cv-06425-VC, Plaintiff's individual claims be dismissed with prejudice as noted above, and the unnamed class members and aggrieved employees claims be dismissed without prejudice.

IT IS SO ORDERED.

Dated: February 3, 2021

